

SENATE BILL 3097  
By Holcomb

AN ACT to amend Tennessee Code Annotated, Title 6, Chapter 51, Part 1, relative to annexation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 6, Chapter 51, Part 1, is amended by adding the following language as a new, appropriately designated section:

(a) After January 1, 1997, all annexation by ordinance upon the initiative of a municipality, adopted pursuant to Section 6-51-102, shall comply with the following requirements:

(1) No municipality shall extend its corporate limits through annexation by ordinance upon its own initiative unless, by resolution of its governing body, the municipality has previously adopted a comprehensive plan identifying all such annexations to be undertaken during the calendar year. Any such comprehensive plan must be adopted at least ninety (90) days prior to January 1 of the calendar year for which the plan applies.

(2) Within ten (10) calendar days following adoption of such plan, the municipality shall, on at least two (2) separate occasions, publish notice of the comprehensive plan in a newspaper of general circulation in the areas proposed for annexation. The notice shall include the locations where citizens may read the plan or obtain a copy of the plan. Within ten (10) calendar days following adoption of such plan, the municipality shall also make available a copy of the

plan for reference in the municipal building and in each public library in any county wherein the municipality is located and shall also make copies of such plan available for purchase by the public at the municipal building or such other public place. The price of the plan shall not exceed the cost of printing the plan.

(3) During any calendar year, a municipality shall not annex by ordinance upon its own initiative any territory which is not properly identified within the comprehensive plan for that calendar year.

(4) The comprehensive plan of annexation shall include, but not necessarily be limited to, the following:

(A) A description of the areas within the territory proposed for annexation in terms familiar to the general public, including a listing of county map and parcel number for each tract of property with cross reference to the general descriptions;

(B) A schedule of annexation for parcels of property which includes the calendar quarter of the year in which the parcels are proposed to be annexed;

(C) An estimate of the annual increase in municipal property tax revenues anticipated from annexation of each area identified within the plan;

(D) An estimate of the annual amount of increase in sales tax revenues and other revenues anticipated as a result of the annexation;

(E) An estimate of the cost of providing services for each of the areas and the revenues by source allocated for the cost of the services, (services and costs shall be separately listed, and the estimates shall include both operating costs and capital improvement costs);

(F) A description in terms familiar to the general public of areas previously annexed by the municipality which have not yet received water and sewer service and, for each such area, the projected dates by which such services will be provided;

(G) The cover of the comprehensive plan shall contain the following information:

(i) The date of adoption of the plan by the municipal governing body;

(ii) The date of publication of the first public notice; and

(iii) The calendar year covered by the plan.

(b) If a municipality annexes by ordinance upon its own initiative any territory that is not correctly identified in the comprehensive plan for the current calendar year, as required by this section, or if the municipality annexes by ordinance upon its own initiative without a duly adopted, valid comprehensive plan for the current calendar year, an owner of property within the improperly proposed area of annexation has standing in court to challenge the municipal action. Such owner of property may file a complaint seeking an injunction of the municipality's annexation of such property. Such owner of property shall file the complaint within thirty (30) days after adoption of the annexation ordinance. The rights granted by this section do not impair or diminish the rights of an aggrieved owner of property to file a suit in the nature of a quo warranto proceeding.

SECTION 2. For purposes of adoption and publication the comprehensive annexation plan required for calendar year 1997, this act shall take effect on becoming a law, the public welfare requiring it; and for all other purposes this act shall take effect on January 1, 1997.

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